IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH
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COCP No.1112 of 2006
Date of decision: October 12, 2006.

Harsimrat Singh & Ors.

...**Petitioner(s)**

v.

Shri S.K. Salwan, VC & Anr.

...**Respondent(s)**

Present: Shri Hemant Saini, Advocate for the petitioners.

Shri Anupam Gupta, Advocate for the respondents.

Surya Kant, J. (Oral)

The petitioners, who are students of Amritsar College of Engineering & Technology, were subjected to the proceedings for using unfair means in the examination and were disqualified from appearing in any examination of the University for a period of two semesters. Aggrieved, they approached this Court by way of CWP No.8080 of 2006 which was disposed of on May 23, 2006 with liberty to them to file an appeal before the appellate authority within a period of one week from the date a certified copy of that order was received and the said appeal was directed to be decided within one month from the date of its filing. Meanwhile, the petitioners were permitted to appear in the next semester examination but with a clear rider that the same would not vest any rights upon them in any manner and would be subject to the final decision of the

appellate authority.

Alleging non-compliance of the aforesaid order, the petitioners have filed this contempt petition.

In response to the show cause notice, Shri Anupam Gupta, Learned Counsel, has put in appearance on behalf of the respondents. It is pointed out by him that though the petitioners had received copy of the order dated 23.5.2006 passed by this Court, duly attested by the Bench Secretary, on that very and has sent notarized copies thereof to the University authorities on 24.5.2006, however, formal appeal was filed by them on 13.6.2006 only. It is argued that since the appeal was filed after a period of one week from the date of receipt of copy of the order dated 23.5.2006, the appellate authority, in its wisdom, did not deem it appropriate to dispose of those appeals.

The factual averments noticed above, are not disputed by Learned Counsel for the petitioners.

In view of the fact that the petitioners did not file appeal within seven days upon receipt of the copy of the order dated May 23, 2006, though, it is difficult to hold that the respondents are guilty of willful or deliberate non-compliance of the aforesaid order, however, having regard to the fact that the future of a large number of students is involved and no prejudice or hardship is likely to be caused to the respondents, this petition is disposed of with a direction to the learned Vice Chancellor to consider the petitioners' appeal objectively and in accordance with the University regulations/law and dispose of the same within one month from today.

Disposed of.

Rule discharged.

Let a copy of this order, duly attested under the signatures of the Bench Secretary, be handed over to Learned Counsel for the respondents for information and necessary compliance.

October 12, 2006. [**Surya Kant**]
kadyan **Judge**